

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

TIMOTHY JACOBS,)	
)	
Petitioner,)	
)	
v.)	No. 4:12CV2101 SPM
)	
IAN WALLACE, et al.,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

Before the Court is petitioner’s application for writ of habeas corpus as well as petitioner’s motion “for this Court to take judicial notice of extreme cases of extraordinary circumstances of immediate and present imminent danger of serious harm to petitioner’s life.”

The Court has reviewed petitioner’s filings and believes that this case, although styled as a habeas corpus action, is best interpreted as a civil rights case, brought pursuant to 42 U.S.C. § 1983. Petitioner is alleging that he has been subjected to “extreme conditions of confinement” at the Southeast Correctional Center (“SECC”) and that his access to courts have been limited. Petitioner also alleges that he has been denied property, and he asserts that he has been subjected to “harassment” by unnamed persons at SECC. Plaintiff also complains of a denial of medical treatment.

Because it is clear that this matter is more properly brought as a civil rights action, the Court will order petitioner to amend his complaint on a Prisoner Civil Rights Complaint Form, file a motion to proceed in forma pauperis and produce a prisoner account statement. After petitioner complies with the aforementioned, petitioner will be assessed an initial partial filing fee based on his ability to pay a portion of the \$350 filing fee and this case will be reviewed pursuant to 28 U.S.C. § 1915 for frivolousness, maliciousness and for failure to state a claim.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion "for this Court to take judicial notice of extreme cases of extraordinary circumstances of immediate and present imminent danger of serious harm to petitioner's life" [Doc. #2] is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a copy of the Court's form Prisoner Civil Rights Complaint.

IT IS FURTHER ORDERED that the Clerk shall mail to petitioner a copy of the Court's form Motion to Proceed In Forma Pauperis – Prisoner Cases.

IT IS FURTHER ORDERED that petitioner shall file an amended complaint on the Court-provided form within thirty (30) days of the date of this Order.

IT IS HEREBY ORDERED that petitioner shall either pay the \$350 filing fee or submit a motion to proceed in forma pauperis within thirty (30) days of the date of this Order.

IT IS FURTHER ORDERED that if petitioner submits a motion to proceed in forma pauperis, he must also submit a certified copy of his prison account statement for the six-month period immediately preceding the filing of his complaint.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action without prejudice. If the case is dismissed, the dismissal will not constitute a “strike” under 28 U.S.C. § 1915(g).

Dated this 7th day of December, 2012.

/s/Shirley Padmore Mensah
SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE